

Notice of Allowability	Application No.	Applicant(s)	
	10/781,881	MELODY ET AL.	
	Examiner	Art Unit	
	William T. Leader	1742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to _____.
2. The allowed claim(s) is/are 13-20.
3. The drawings filed on _____ are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 2/20/04
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

1. Receipt of the preliminary amendment filed on February 20, 2004, is acknowledged. Claims 1-12 have been canceled. Claims 13-20 are pending.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the title:

The title has been changed to --Capacitor Prepared From A Non-Aqueous Electrolyte--.

The title has been changed to reflect the claimed subject matter.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Kinard et al (6,480,371) patent is directed to a capacitor comprising an anode prepared from a valve metal powder anodized with an aqueous anodizing electrolyte comprising phosphoric acid. Rosenberg et al (5,185,075) and Stromquist et al (5,670,741) were cited during prosecution of parent application serial number 09/630,605, now patent number 6,436,268.

4. The following is an examiner's statement of reasons for allowance:
5. The prior art of record does not suggest a capacitor with an anode of a valve-metal derivative powder which is prepared from a non-aqueous electrolyte comprising glycerine and a soluble salt formed in the manner recited. The data shown in applicant's examples demonstrate that a capacitor prepared from the electrolyte recited in the claims differs structurally from capacitors prepared using other electrolytes. In particular, in the comparative test in example 3, anodes anodized in dibasic potassium phosphate in glycerine were found to be incompletely anodized on the inside. Applicant concluded that the results of the experiment indicate that the pKa of phosphoric acid is not low enough to give sufficient conductivity within the anode pores, and states that the incomplete anodization of the interior portion of the anodes with the phosphate salt is due to the excessively high pKa of phosphoric acid. See example 3. The instant claims require that the anode be prepared from an electrolytic solution wherein the acid anion is derived from an acid having a pKa lower than phosphoric acid.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William T. Leader whose telephone number is 571-272-1245. The examiner can normally be reached on Mondays-Thursdays and alternate Fridays, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King, can be reached on 571-272-1244. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William Leader
December 6, 2004

ROY KING
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1730